

12-16-05

DTW

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Attorney Docket No. 01-1333-C)

In the application of:

Dick T. Van Manen )  
Serial No.: 10/665,649 )  
Filed: September 19, 2003 )  
For: THERMOPLASTIC SANDWICH STRUCTURAL )  
ITEM AND TWIN SHEET MOULDING )  
METHOD OF MAKING SAME )

Examiner: Daniel H. Miller  
Group Art Unit: 1775  
Confirmation No.: 6076

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**TRANSMITTAL LETTER**

In regard to the above identified application:

1. We are transmitting herewith the attached:

- a. Response to Restriction Requirement mailed June 15, 2005
- b. Copy of the Utility Patent Application Transmittal filed Sept. 19, 2003
- c. Return Receipt Postcard

2. With respect to additional fees:

No fees are due at this time. Please charge any additional fees or credit overpayment to Deposit Account No.13-2490. A duplicate copy of this sheet is enclosed.

3. I hereby certify that, under 37 CFR § 1.10, I directed that the correspondence identified above be deposited with the United States Postal Service as "Express Mail Post Office to Addressee," (**Express Mail No. EV596651786US**) addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on this **15<sup>th</sup>** day of **December, 2005**.

Respectfully submitted,

By:   
Lisa M. Schoedel  
Reg. No. 53,546

Date: December 15, 2005



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**RESPONSE TO RESTRICTION REQUIREMENT**

Dear Sir:

On June 15, 2005, the Office mailed a Restriction Requirement, requiring restriction of this application to one of two groups, which the Examiner defined as follows:

- I. Claims 1-12, drawn to a process of making a thermoplastic sandwich structural item, classified in class 264, subclass 148.
- II. Claims 13-31, drawn to a thermoplastic sandwich structural item, classified in class 428, subclass 116.

In compliance with MPEP Section 818, Applicants elect group I without prejudice. In Box 18 of the Utility Patent Application Transmittal filed September 19, 2003 (copy attached hereto as Exhibit A), the present application was designated as a divisional of parent application number 10/161,202. Box 18b of the transmittal reads "Cancel in this application original claims 13-31 of the prior application before calculating the filing fee. (Claims 1-12 remain in the present application.)". Therefore, the election of group I was made on September 19, 2003, and the Restriction Requirement mailed on June 15, 2005 was sent in error.

Applicant's representative contacted examiner Daniel H. Miller in September of 2005, and examiner Miller indicated that the erroneous Restriction Requirement would be withdrawn. A review of the file history in December of 2005 indicated that no notice of withdrawal had been received by Applicant's representative. Another telephone conversation was conducted with examiner Miller, who indicated that statutorily a response to the Restriction Requirement must be filed, since the application had been transferred to another Art Unit and therefore he was unable to withdraw the Restriction Requirement.

Given that the election was properly made on September 19, 2003 and that the Restriction Requirement of June 15, 2005 was sent in error, it is believed that no fee is due at this time. If it is determined that a fee is due, please charge any deficiency in the amount due to Deposit Account No. **13-2490**. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Date: December 15, 2005



Lisa M. Schoedel  
Registration No. 53,564